## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:07-CV-426-H

| ADVANCED INTERNET                            | )      |              |
|--|--------|--------------|
| TECHNOLOGIES, INC.,                          | )      |              |
| Plaintiff,                                   | )      |              |
| v.   | )      | <u>ORDER</u> |
| DELL INC. and DELL FINANCIAL SERVICES, INC., | )<br>) |              |
| Defendants.                                  | )      |              |

This matter is before the Court on the motion for payment of expert fees [DE-319] filed by non-party Ira Winkler on behalf of Argo Productions, Inc. ("Argo"). Winkler, on behalf of Argo, seeks to obtain payment for fees asserted in his capacity as an expert witness for Plaintiff AIT during this case. On February 10, 2010, counsel filed a notice of appearance on behalf of Argo and later filed a supplement to Winkler's original filing. [DE-335, 339.] The parties have filed responses and supplemental responses to the motion, and the movant has filed a reply. [DE-321, 323, 324, 325, 337 & 338.] The Court held a hearing on February 24, 2011 to further develop the record, and this matter is now ripe for decision.

Argo seeks to recover \$22,000.00 for 44 hours of preparation time for a 4.5 hour deposition taken in this case. Argo further seeks payment for interest and collection costs in the amount of \$27,043.37, for a total of \$49,043.37. The Court finds this request excessive based on Winkler's qualifications, the quality of work provided, and the fact that he was paid \$7,500.00 to prepare his expert report, but sought \$22,000.00 to prepare for his deposition.

Accordingly, having considered the arguments of counsel and the record in this matter, the

Court finds that Argo is entitled to payment from AIT for a total of 11 hours of preparation time for

his deposition at a rate of \$500.00 per hour. AIT has previously paid Argo for 4.5 hours of

preparation time at \$625.00 per hour, or \$2,812.50, in an effort to resolve the dispute. Therefore,

AIT is hereby **ORDERED** to pay Argo Productions, Inc. the balance of \$2,687.50 within **14 days** 

of entry of this order.

Finally, it has come to the Court's attention that Argo and/or Winkler may still be in

possession of documents in this case that are covered by a Protective Order entered by this Court.

Therefore, it is further **ORDERED** that all documents provided to Argo and/or Winkler in this case,

along with any copies of such documents, shall be returned to AIT within 14 days of entry of this

order. Failure to comply may subject Argo and/or Winkler to contempt proceedings in this Court.

This the 25th day of February, 2011.

DAVID W. DANIEL

United States Magistrate Judge